

RECEIVED
CENTRAL FAX CENTER

SEP 21 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kleider et al.)
For: Method of Multiple Carrier)
Communication with a)
Noncontiguous Wideband Spectrum)
and Apparatus therefor)
Serial No.: 09/690,993)
Filed: October 17, 2000)
Examiner: Liu, S.)
Art Unit: 2634)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office, Fax No. (571) 273-8300 on
September 21, 2005.

[Signature]

September 21, 2005

(Date)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

**NOTICE OF APPEAL, TRANSMITTAL OF APPEAL BRIEF, and
Petition Requesting a Two Month Extension**

In accordance with 37 CFR §41.31, applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

More specifically, the Notice of Appeal and enclosed brief is being filed in response to a final Office Action, dated April 21, 2005. The present filing date of September 21, 2005, for filing the Notice of Appeal is within the permissible three month term for filing a response to the final Office Action, extended an additional two months.

In connection with filing the Notice of Appeal (\$500), the Appeal brief (\$500), and the Petition Requesting a Two Month Extension (\$450), a fee in the amount of \$790 is believed to be due, which corresponds to a fee of \$1450, which has been reduced by \$660, an amount corresponding to previous amounts already paid in connection with a previous filing of a Notice of Appeal (\$330 on February 3, 2004), and an Appeal Brief (\$330 on May 25, 2004). The previous Notice of Appeal and Appeal Brief filing fee should be applied to a later appeal on the same application, because the prosecution was re-opened by the Examiner, prior to a decision on the merits by the Board. Consequently the previous fees paid are applicable to be applied to a later filed appeal (see MPEP §1208.02).

The undersigned authorizes the Commissioner and respectfully requests that this fee be charged to deposit account 50-2117. The Commissioner is further authorized to charge any additional fees deemed to be necessary in connection with the proper handling and consideration of the present Notice of Appeal and Petition requesting a two month extension, and the enclosed Appeal Brief in support of the appeal from the Examiner's final rejection, including any underpayments, and/or credit any overpayments to deposit account 50-2117.

Respectfully submitted,

BY: Lawrence J. Chapa
Lawrence J. Chapa
Reg. No. 39,135
Phone No.: (847) 523-0340
Facsimile No.: (847) 523-2350

Motorola, Inc.
Mobile Devices
Intellectual Property Department
600 North US Highway 45, AS437
Libertyville, IL 60048